REMARKS

Upon entry of the present amendments, claims 1-3 and 5-7 will be cancelled, claim 4 will be amended, and claims 8 and 9 will be newly presented. Claims 4, 8 and 9 are currently pending. Applicants respectfully request entry of the present amendments, reconsideration of the outstanding rejections, and allowance of all the claims pending in the present application.

Applicants note that each of claims 4, 8 and 9 are directed to the elected invention (which was identified by the Examiner as Species B in the Restriction Requirement dated September 23, 2004). Applicants note that a non-limiting example of such species is depicted in Fig. 3 and described on page 19 of the present application.

On page 2 of the Official Action, claim 4 was rejected under 35 U.S.C. § 102(e) as being anticipated by SNODGRASS et al. (U.S. Patent No. 5,516,429).

Applicants respectfully traverse the rejection of claim 4 under 35 U.S.C. § 102(e).

Claim 4 as presently amended recites, inter alia, "the discharge pressure regulating device includes a rigid actuator and a diaphragm which is engaged by said rigid actuator and which transforms under influence of said rigid actuator and increases and decreases capacity inside said pressurized chamber."

Applicants submit that SNODGRASS et al. lacks any disclose of a discharge pressure regulating device which includes *a diaphragm which is engaged by a rigid*

actuator, as recited in claim 4. In this regard, Applicants note that the diaphragm 126 in SNODGRASS et al. is clearly not *engaged* by a *rigid* actuator. Instead, it is clear from the disclosure of SNODGRASS et al. that the diaphragm 126 is only acted upon by hydraulic fluid, and not by being *engaged by a rigid actuator*.

Insofar as the Examiner has taken the position that the hydraulic fluid in the system of SNODGRASS et al. is itself an "actuator", Applicants submit that such hydraulic fluid is clearly not a *rigid* actuator. The Examiner's attention is directed, for example, to the embodiment shown in Figure 3 of the present application, in which rigid actuator 7a engages a diaphragm 7b. Applicants submit that such engagement of a diaphragm by a *rigid actuator* (as recited in claim 4) is beneficial in discharging relatively viscous materials, whereas the system of SNODGRASS et al. (in which a diaphragm is only acted upon by hydraulic fluid) is specifically designed for the discharge of less viscous materials. Applicants further submit that one having ordinary skill in the art would not understand the hydraulic fluid in the system of SNODGRASS et al. as reading on such a *rigid actuator* (as recited in claim 4).

Applicants further note that none of the portions of SNODGRASS et al. specifically pointed out the Examiner discuss or disclose the diaphragm 126 being engaged by a *rigid actuator*. Applicants respectfully request that the Examiner indicate which portion of the disclosure of SNODGRASS et al. he intends to rely upon for such teaching if he intends to maintain the current rejection.

Applicants respectfully submit that the rejection of claim 4 under 35 U.S.C. § 102(e) based on SNODGRASS et al. is improper at least for each and certainly for all of the above-noted reasons. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(e), and an early indication of the allowance of this claim.

Applicants note that newly presented claim 8 recites, inter alia, "the discharge pressure regulating device includes a cylinder having a piston and a diaphragm which is engaged by said piston and which transforms under influence of said piston and increases and decreases capacity inside said pressurized chamber."

Applicants submit that none of the prior art of record discloses the invention as recited in claim 8, which includes *a cylinder having a piston and a diaphragm which is engaged by the piston.* Accordingly, Applicants respectfully request an early indication of the allowance of this claim.

Applicants note that newly presented claim 9 recites, inter alia, "the discharge pressure regulating device includes a cylinder having a piston and a diaphragm which is directly connected to said piston and which transforms under influence of said piston and increases and decreases capacity inside said pressurized chamber."

Applicants submit that none of the prior art of record discloses the invention as recited in claim 9, which includes *a cylinder having a piston and a diaphragm which is*

directly connected to the piston. Accordingly, Applicants respectfully request an early indication of the allowance of this claim.

SUMMARY AND CONCLUSION

Entry and consideration of the present amendment, reconsideration of the outstanding Official Action, and allowance of the present application and all of the claims therein are respectfully requested and now believed to be appropriate.

Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have now done so.

Any amendments to the claims that have been made in this amendment, which do not narrow the scope of the claims, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered cosmetic in nature, and to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should there be any questions or comments, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Toshinori MIMURA et al.

Bruce H. Bernstein
Reg. No. 29,027

Daniel B. Moon
Reg. No. 48,214

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GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191